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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/899,906

12/03/2003

Donald D. Savard

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23589

7590

07/06/2004

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EXAMINER

RAEVIS, ROBERT R

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/899,906	SAVARD, DONALD D.	
	Examiner	Art Unit	
	Robert R. Raevis	2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/250504.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8-6-02</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election of Figures 3-6 is acknowledged.

The disclosure is objected to because of the following informalities: the first page of the specification should refer to the parent application.

Appropriate correction is required.

Claims 1,6-12,2-5,24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, "radical" (line 4 from bottom) to –radial–; the phrase "transfer mechanism being operatively *disposed* between a flexing portion of the detector and said converting member" (italics added, lines 3-4 from bottom) is confusing, as the elected species does not appear to suggest structure between the detector and converting member that transmits changes. Note that the claim stated that the transfer mechanism includes the converting member ("transfer mechanism including a converting member") corresponding to slide 44, suggestive that it is something other than the converting member (i.e. transfer member, slide 44) that is between the detector and converting member that transmits changes. Also, where is the limitation "located closer" (last line) in the elected species of Figures 3-6? This "located closer" limitation is not apparent in the Figure 3, as the converting member (slide 44) appears to be right in the middle of the body, in contrast to non-elected Figure 7. (It is the detector, not the converting member, that is "located closer" as claimed.) If there is support for relocating the position of slide 44 in Figure 3, please correct the drawing and specification

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accordingly. It is possible that the “transfer mechanism being operative disposed between a flexing portion of the detector and said converting member” corresponds to elements 22, 14 and 16 of non-elected Figure 1.

As to claim 2, is “between” (line 5 from bottom) correct? Isn’t it the “converting member” (corresponding to slide 44 in elected Figure 3), that further defines the transfer mechanism, that transmits changes? What structure (in Figure 3) is located between the detector 50 and slide 44 that transmits changes? As this (unidentified) structure is between the detector and converting member (which converting member is part of the transfer member), how can the (unidentified) structure be between the detector and itself? It is possible that the “transfer mechanism being operative disposed between a flexing portion of the detector and said converting member” corresponds to elements 22, 14 and 16 of non-elected Figure 1.

As to claim 3, is the “segmented” feature part of elected Figures 3-6? Isn’t this claim directed to non-elected Figures 1,2?

As to claim 4, “said sleeve” lacks antecedent basis. Also, are the “links” feature part of elected Figures 3-6? Isn’t this claim directed to non-elected Figures 1,2?

No claim could be deemed to contain allowable material in view of excessive 112(2) issues. Note was made of “the converting member being disposed *between* said carrying rings and being located *closer* to the rear carrying guide ring than to the front carrying guide ring” (italics added, last two lines of claim 1), and the last two (2) lines of claim 2.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raemis whose telephone number is 571-272-2204. The examiner can normally be reached on Monday to Friday from 7am to 3:30pm. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert R. Raemis
RAEMIS